

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Johnnie Howell,)
)
Plaintiff,)
)
vs.) Civil Action No.: 1:09-2762-TLW-SVH
)
Phillip Thompson and Tom Fox,)
)
Defendants.)
)

ORDER

On October 27, 2009, the plaintiff, proceeding *pro se*, filed this civil action pursuant to 42 U.S.C. § 1983. (Doc. #1). On February 5, 2010, the plaintiff filed a motion for summary judgment. (Doc. #12). The defendants filed a response in opposition on February 11, 2010. (Doc. #13). The defendants then filed a motion for summary judgment on February 12, 2010. (Doc. #15). The plaintiff filed a response to this motion on February 19, 2010. (Doc. #18). The case was referred to United States Magistrate Judge Shiva V. Hodges pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(d), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #32). On August 9, 2010, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the defendants’ motion for summary judgment be granted and that all remaining motions be deemed moot. (Doc. #32). The plaintiff filed no objections to the Report. Objections were due on August 26, 2010. Additionally, the docket reflects that the two documents that were mailed to the plaintiff most recently by the Clerk of Court, including the pending Report of the

Magistrate Judge, were returned to the Court as undeliverable. This indicates that the plaintiff has failed to keep the Court apprised of his address as required by prior Order of the Magistrate Judge previously assigned to this case. (Doc. #5).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #32). For the reasons articulated by the Magistrate Judge, the defendants' motion for summary judgment is hereby **GRANTED**, (Doc. #15), and all remaining motions are dismissed as **MOOT**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

September 10, 2010
Florence, South Carolina